

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

<b>BRANDON CALLIER,</b>	§	
Plaintiff,	§	
	§	
v.	§	<b>EP-20-CV-304-PRM</b>
	§	
<b>GREENSKY INC.,</b>	§	
Defendant.	§	
	§	

**ORDER REQUIRING PROPOSED  
SCHEDULING ORDER AND CASE MANAGEMENT REPORT**

Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, Plaintiff Brandon Callier must confer with Defendant Greensky Inc. in order to jointly file a proposed scheduling order for the Court's consideration by **February 19, 2021**.

Additionally, to assist the Court, it is hereby ordered that the parties develop a joint Case Management Report **February 19, 2021**,<sup>1</sup> which contains the following:

1. The parties who assisted in developing the Case Management Report and all attorneys of record for each respective party;
2. A list of the parties in the case, including any parent corporations or entities (for recusal purposes);

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<sup>1</sup> The parties' joint Case Management Report shall contain the required information in separately numbered paragraphs.

3. A short statement of the nature of the case (one page or less), including a description of the claims and defenses;
4. The jurisdictional basis for the case, describing the basis for jurisdiction and citing specific jurisdictional statutes;<sup>2</sup>
5. A list of the parties that have not been served and an explanation of why they have not been served; and any parties which have been served but have not answered or otherwise appeared;
6. A statement of whether any party expects to add additional parties to the case or otherwise to amend pleadings;<sup>3</sup>
7. A listing of contemplated motions and a statement of the issues to be decided by these motions (including motions under Federal Rules of Evidence 702, 703, 704, and 705);<sup>4</sup>
8. A statement of when the parties exchanged Federal Rule of Civil Procedure 26(a) initial disclosures;<sup>5</sup>
9. Pursuant to Rule 26(f), a statement outlining necessary discovery, including:
  - a. A list of critical witnesses for each side; and

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<sup>2</sup> If jurisdiction is based on diversity of citizenship, the report shall include a statement of the citizenship of every party and a description of the amount in dispute. *See* 28 U.S.C. § 1332.

<sup>3</sup> Pursuant to Rule 16(b)(3), the Proposed Scheduling Order must include a time limit to join other parties and amend pleadings.

<sup>4</sup> Pursuant to Rule 16(b)(3), the Proposed Scheduling Order must include a time limit to complete discovery.

<sup>5</sup> Pursuant to Rule 16(b)(3), the Proposed Scheduling Order must include a time limit to file motions.

- b. A timeline in which the depositions of these witnesses will take place;
  - c. Any issues about disclosure, discovery, or preservation of electronically stored information, including the form or forms in which it should be produced; and
  - d. Any issues about claims of privilege or of protection as trial-preparation material.
10. The status of related cases pending before other courts;
11. A statement of whether either party has requested a jury trial, the estimated length of trial, and any suggestions for expediting the trial date;
12. The prospects for settlement, including any request of the Court for assistance in settlement efforts; and a proposed specific date by which the parties shall have engaged in face-to-face, good-faith settlement talks;
13. Any other matters that will aid the Court and parties in resolving this case in a just, speedy, and inexpensive manner as required by Federal Rule of Civil Procedure 1;
14. A statement on whether the parties jointly consent to trial before a United States Magistrate Judge; if so, please jointly complete and file Form AO 85.<sup>6</sup>

Accordingly, **IT IS ORDERED** that Plaintiff Brandon Callier must confer with Defendant Greensky Inc., as required by Rule of Civil

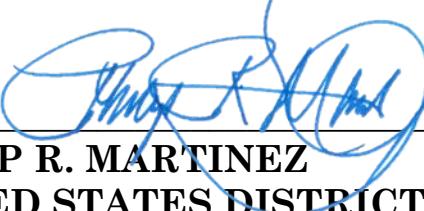
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<sup>6</sup> For the parties' convenience, the Court has attached Form AO 85 "Notice, Consent, and Reference of a Civil Action to a Magistrate Judge."

Procedure 26(f) to **JOINTLY FILE** a **PROPOSED SCHEDULING ORDER** for the Court's consideration by **February 19, 2021**. The Court will set the trial date.

**IT IS FURTHER ORDERED** that the parties shall, separate and apart from the Proposed Scheduling Order, **JOINTLY FILE** the **CASE MANAGEMENT REPORT**—as outlined in this Order—by no later than **February 19, 2021**. It is the responsibility of the parties to assist in preparation of the Scheduling Order and Case Management Report.

**SIGNED** this 22nd day of January, 2021.



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**PHILIP R. MARTINEZ**  
**UNITED STATES DISTRICT JUDGE**

**UNITED STATES DISTRICT COURT**  
for the

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<i>Plaintiff</i>	)	
v.	)	
<i>Defendant</i>	)	Civil Action No.
	)	

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**NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE**

*Notice of a magistrate judge's availability.* A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

*Consent to a magistrate judge's authority.* The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

*Printed names of parties and attorneys*

*Signatures of parties or attorneys*

*Dates*

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**Reference Order**

**IT IS ORDERED:** This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date:

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*District Judge's signature*

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*Printed name and title*

Note: Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.

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